

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

IN THE MATTER OF A PENDING
CRIMINAL INVESTIGATION

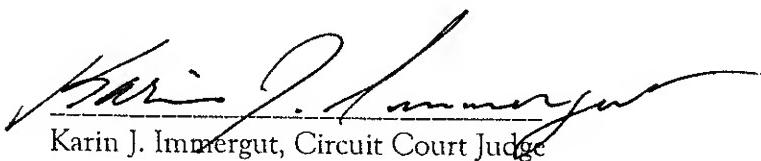
ORDER SEALING SEARCH
WARRANT MATERIALS

Good cause appearing from the affidavit of Detective Anthony Merrill, the Court finds that disclosure of the materials subject of this order would:

- [X] Jeopardize an ongoing law enforcement investigation;
[] Jeopardize the life or safety of one or more individuals whose identity and role may be determined from an inspection of those materials.

It is therefore ORDERED that the Affidavit for Search Warrant, the related Search Warrant and Seizure Order and the Return of Search Warrant issued December 7, 2018, enclosed herewith be sealed and not disclosed to any person until further order of this court.

Dated: 12/31/18


Karin J. Immergut, Circuit Court Judge

2018 JAN 15 AM 10:10:10
10:10:10
10:10:10
10:10:10

1 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
2 **FOR MULTNOMAH COUNTY**

3
4 In the matter of a Secret Investigation in
5 Multnomah County, State of Oregon

 | **ORDER OF WAIVER OF FINANCIAL**
 | **RECORDS [ORS 192.596(6)]**

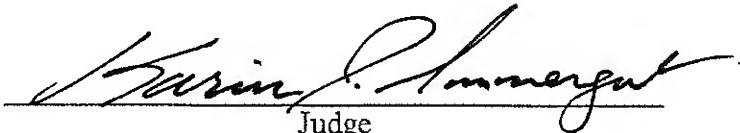
6 **ORDER**

7 This matter having come before the court on a petition and affidavit for an order of
8 waiver, and upon review of the matter, the court FINDS that there is reasonable cause to believe
9 a law subject to the jurisdiction of the Office of the District Attorney for Multnomah County has
been or is about to be violated, and that financial records sought by the search warrant are
relevant thereto, now, therefore.

10 IT IS ORDERED that the requirements of ORS 192.596(2), (4), and (5) are hereby
11 waived; it shall not be required that personal service of a copy of said search warrant be made
12 upon the financial institution's customers, nor that said search warrant show that service has
been made, nor that the financial institution delay disclosure of the records sought for ten (10)
days after service of the said search warrant forthwith.

13 IT IS FURTHER ORDERED the affidavit, petition and attached search warrant herein be
14 sealed pending the investigation into the above entitled matter by the Multnomah County Grand
15 Jury, and that On Point Credit Union, Bank of America, and Wells Fargo hold said search
warrant confidential and not disclose the existence and content thereof to any persons other than
its employees involved in compliance therewith.

17 Dated this 7th day of December, 2018.

19
20 
21 Judge

MULTNOMAH COUNTY CIRCUIT COURT
SEARCH WARRANT RETURN

The ORIGINAL WARRANT must be attached to this return.
The completed return must be mailed to issuing judge (at 1021 SW 4th Ave,
Portland, OR 97204) or delivered to that judge in person.
Do not email or fax this return.

The declarant identified below makes the following search warrant return:

1. This warrant was issued by Judge KARIN IMMERGUT
2. This warrant was issued on 12/7/2018 at 9:00 am/ pm.
3. The affiant was: the undersigned, or
 _____ BPSST# _____
4. The warrant was: not served, or
 served on 12/7/2018 at 1418 am/ pm.
5. During the execution of the warrant:
 No property was seized, or
 Property was seized, see attached _____ pages, or
 The below listed items were seized:

1) PER # A089146 Bank of America Financial Records
2) PER # A123696 Wells Fargo Bank Financial Records
3) OnPoint Credit Union has not forwarded me their records yet.
6. I hereby declare that the above statements (and the attached pages, if any) are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and are subject to penalty for perjury.

Anthony J. Merrill
OFFICER SIGNATURE

Anthony J. Merrill #35227
PRINTED NAME

Agency: Portland Police Bureau DPSST# 35227 CONTACT # 503-793-2154

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCCOMPANIED BY AN APPROPRIATE REPORT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

RECEIPT NUMBER	No. A089146	DATE/TIME	AM	REFER CASE NO.	PPB CASE NO.		
CHECK ONE TYPE ONLY <input checked="" type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP.		<input type="checkbox"/> SAFEKEEPING			
PROPERTY TAKEN FROM:		LAST NAME	M.I.	SEX	DOB		
DENIED OWNERSHIP <input type="checkbox"/>		Williams, ANEKA	F	UNK			
HOME ADDRESS		CITY	STATE	ZIP	I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING		
OWNER OF PROPERTY		LAST NAME	FIRST	M.I.	SEX DOB	SIGNATURE	
HOME ADDRESS		CITY	STATE	ZIP	PHONE		
TYPE OF INCIDENT		DELIVERING OFFICER		DPSST/ASSIGN			
Homicide		Det. Anthony Merrill #35727					
LOCATION WHERE SEIZED, FOUND, SURRENDERED		INVESTIGATOR (IF DIFFERENT)		DPSST/ASSIGN			
Detective Division				"			
<input type="checkbox"/> DEFENDANT	LAST NAME	FIRST	M.I.	SEX	RACE		
<input type="checkbox"/> SUSPECT					DOB		
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.							
ITEM 1	Bank of America - Financial Records (Hard copy) Daniel Brophy / Nancy Crampton-Brophy (6/16 to 11/18)					STLN	FOR PED USE ONLY
ITEM 2							
ITEM 3							
ITEM 4							
ITEM 5							
ITEM 6							
ITEM 7							
ITEM 8							
DELIVERED TO:	<input type="checkbox"/> STATE CRIME LAB	<input checked="" type="checkbox"/> SATELLITE PROP. ROOM	<input type="checkbox"/> PED	PRECINCT & LOCKER#	DATE	RECEIVED BY:	
CHECK ONE ONLY	<input type="checkbox"/> FED	<input type="checkbox"/> OTHER					

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

RECEIVED BY PED	BY	WHITE - RECORDS COPY PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT
DATE:	TIME:	

BUREAU OF POLICE
2619 NW INDUSTRIAL ST., STE. B4
PORTLAND, OREGON 97210
503-823-2179

PROPERTY/EVIDENCE RECEIPT

THIS RECEIPT MUST BE ACCOMPANIED BY AN APPROPRIATE REPORT

HOURS OF OPERATION:
9:00 AM TO NOON &
1:00 PM TO 4:00 PM, M-F

RECEIPT NUMBER	No. A123696	DATE/TIME	AM	REFER CASE NO.	PPB CASE NO	
CHECK ONE TYPE ONLY <input checked="" type="checkbox"/> EVIDENCE		<input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> PRISONER'S PROP. GAVE COPY? YES <input type="checkbox"/> NO <input type="checkbox"/>	<input type="checkbox"/> SAFEKEEPING	
PROPERTY TAKEN FROM:	LAST NAME	FIRST	M.I.	SEX	DOB	
DENIED OWNERSHIP	SMITH, Alisha			F		
HOME ADDRESS	CITY	STATE	ZIP	I VOLUNTARILY RELINQUISH THE ITEM(S) LISTED FOR SAFEKEEPING		
W P.O.BOX 29728		S4001-0SF, Phoenix, AR	85038			
OWNER OF PROPERTY	LAST NAME	FIRST	M.I.	SEX	DOB	
SIGNATURE						
HOME ADDRESS	CITY	STATE	ZIP	PHONE		
480-724-2000						
TYPE OF INCIDENT	DETERMING OFFICER		DPSST/ASSIGN			
Homicide	Det. Anthony Merrill #3522					
LOCATION WHERE SEIZED, FOUND, SURRENDERED	INVESTIGATOR (IF DIFFERENT)		DPSST/ASSIGN			
Detective Division	"		"			
<input type="checkbox"/> DEFENDANT	LAST NAME	FIRST	M.I.	SEX	RACE	
<input type="checkbox"/> SUSPECT					DOB	
FOR GUNS LIST MAKE, TYPE, CALIBER, MODEL, SERIAL NUMBER(S), IMPORTER & COUNTRY OF ORIGIN. LIST ONLY ONE ITEM PER SELECTION.					STLN	FOR PED USE ONLY
ITEM 1	= (1) DVD-R of Wells Fargo Financial Records - Daniel Brophy / Nancy Crampton Brophy (6/6 to 11/18)					
ITEM 2						
ITEM 3						
ITEM 4						
ITEM 5						
ITEM 6						
ITEM 7						
ITEM 8						
DELIVERED TO:	<input type="checkbox"/> STATE CRIME LAB	<input checked="" type="checkbox"/> SATELLITE PROP. ROOM	<input type="checkbox"/> PED	PRECINCT & LOCKER#	DATE	RECEIVED BY
CHECK ONE ONLY	<input type="checkbox"/> FED	<input type="checkbox"/> OTHER				

DO NOT WRITE IN SPACE BELOW — FOR PED USE ONLY

RECEIVED BY PED	BY	WHITE - RECORDS COPY
DATE:	TIME:	PINK - WITH PROPERTY YELLOW - CITIZENS RECEIPT

County of Multnomah

IN THE NAME OF THE STATE OF OREGON:

COURT ORDER and SEARCH WARRANT AUTHORIZING RELEASE

1 You are hereby commanded to release and present to Detective Anthony Merrill of the
2 Portland Police Bureau and associated representatives for evidence of crimes related to Murder
3 (ORS 163.115), Unlawful Use of a Weapon (ORS 166.220), and Theft (ORS 164.015) all bank
4 account records held by On Point Community Credit Union, Bank of America, and Wells Fargo
5 Bank, regardless if in individual, trustee/fiduciary, trustee or active beneficiary, or joint capacity
6 with another entity, and also accounts where she has signer authority (but not an actual owner),
7 including all loans, credit accounts, debit accounts, checking accounts, savings accounts, and all
8 lines-of-credit associated or otherwise connected to said accounts, in the name of Nancy Lee
9 Crampton Brophy, an adult white female, with date of birth [REDACTED] and social security
10 [REDACTED] and in the name of Daniel Craig Brophy, an adult white male, with date of birth of
11 [REDACTED] and social security [REDACTED] for the time period of June 2, 2016 to Present.

12 Furthermore, you are commanded to complete the attached declaration of custodian of
13 records and return the completed declaration to Detective Anthony Merrill;
14 And to seize and analyze the aforesaid objects of the search;

15 You are further directed to make return of this warrant to me within ten (10) days after
16 the execution thereof.

17

18 It is further ordered pursuant to ORS 165.657 that the file in this cause be sealed until
19 otherwise ordered by the court.

20

21 ISSUED over my hand on December 7, 2018 at 9:00 a.m. p.m.

22

23

24

Signature of Magistrate

25

26

Mari P. Ammerman
Oregon Circuit Court Judge

Title of Magistrate

IN THE CIRCUIT COURT OF THE STATE OF OREGON

MULTNOMAH COUNTY

3 STATE OF OREGON) AFFIDAVIT FOR
4 COUNTY OF MULTNOMAH)
SEARCH WARRANT

5

6 I, Anthony J. Merrill, upon my oath, do hereby depose and say that:

7

I am employed as a Detective with the Portland Police Bureau (PPB) and have been a police officer for over twenty years. I have a Bachelor of Arts Degree with a major in Political Science. I am currently assigned to the Detective Division and work as a member of the Homicide Detail for over the last seven years. I have attended and completed the Oregon State Basic Police Academy, the Portland Police Bureau Advanced Academy, and the Portland Police Bureau Detectives' Academy. I was also assigned previously as a Detective to the Tactical Operations Division as a member of the Gang Enforcement Team, Robbery, Cold Case Homicide, Afternoon General Assignment, Fraud, and Assault Details. I have received training from Wicklander-Zulawski & Associates in Interview and Interrogation, Third Degree Communications, Inc. in Interview and Interrogation and Robbery Investigations, Inside the Tape in Homicide and Crime Scene Management training, and multiple, annual Oregon Homicide Investigator Association conferences of which I am a member and have presented multiple case studies. I was assigned as a Patrol Officer at Central Precinct on afternoon and morning shifts for four years, a Street Crimes Specialty Unit Officer for one and a half years, a School Resource Officer for two and a half years, and a Mayor's Protective Detail Officer for one year.

1

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-5

That I am seeking a search warrant for all bank account records held by On Point Community Credit Union, Bank of America, and Wells Fargo Bank, regardless if in individual, trustee/fiduciary, trustee or active beneficiary, or joint capacity with another entity, and also

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3 accounts where she has signer authority (but not an actual owner), including all loans, credit
4 accounts, debit accounts, checking accounts, savings accounts, and all lines-of-credit associated
5 or otherwise connected to said accounts, in the name of Nancy Lee Crampton Brophy, an adult
6 white female, with date of birth [REDACTED] and social security [REDACTED] and in the name
7 of Daniel Craig Brophy, an adult white male, with date of birth [REDACTED] and social security
8 [REDACTED]

10 The following information is provided to establish probable cause relative to the
11 information sought in this affidavit, and may not necessarily contain all of the facts and
12 circumstances I am aware of relative to this ongoing investigation.

14 That On June 2, 2018 I was directed to respond to the Oregon Culinary Institute at 1701
15 SW Jefferson Street, City of Portland, County of Multnomah, State of Oregon to conduct an
16 investigation related to the homicidal death of Daniel C. Brophy. The assigned Case Number is
17 18-183742. During the course of this investigation, Detective Darren Posey, (DPSST #29521),
18 and I oversaw the collection of information from the crime scene located in and around the
19 Oregon Culinary Institute located at 1701 SW Jefferson Street, City of Portland, Multnomah
20 County, and State of Oregon.

22 After reviewing the initial police response, talking to officers present at the scene and
23 debriefing with other investigators who were present, the following information has been
24 developed regarding Case Number 18-183742. I was informed by Sergeant Whattam that police
25 were called to respond to investigate a subject who had been recently shot with a gun and had
26 died in one of the kitchen areas of the Oregon Culinary Institute at 0823 hours on June 2, 2018.

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3 The subject who had been killed was identified as Daniel C. Brophy who was an employed
4 instructor at the Oregon Culinary Institute. I personally observed that Daniel C. Brophy's injuries
5 were such that they could not have been self-inflicted, and no firearm was located at the scene.
6 The location of the crime occurred inside the institute, and I learned from staff and personal
7 observation the institute did not have any security surveillance camera systems. After contacting
8 the students and other staff members responding officers were not able to identify any eye-
9 witnesses who had heard or seen the actual crime occur. During the initial interviews with
10 institute administrators I was unable to identify any subjects who had a current grudge or dispute
11 with Daniel C. Brophy.

12 While at the location of occurrence, Detective Posey and I conducted an audio recorded
13 interview with the wife of Daniel C. Brophy. The wife's name is Nancy Lee Crampton Brophy.
14 Nancy Lee Crampton Brophy told us she had come to the Oregon Culinary Institute because a
15 friend had called her about an incident at the institute and it was on the news. Nancy Lee
16 Crampton Brophy told me she had attempted to call Daniel C. Brophy without result. We spoke
17 to Nancy Lee Crampton Brophy in order to determine when Daniel C. Brophy left his home and
18 what routines he keeps in the morning. Nancy Lee Crampton Brophy provided a timeline for
19 when Daniel C. Brophy had left their house that morning and she also provided some
20 background information about her husband. Nancy Lee Crampton Brophy told us she believed
21 Daniel C. Brophy left their residence in Beaverton sometime around 0705 hours and would have
22 arrived at the institute about ten minutes or so later as they only live about five miles away.
23 Nancy Lee Crampton Brophy also indicated she was at home at the time her husband left the
24 house. Nancy Lee Crampton Brophy told us she did not know of any dispute or problem with
25 any person that would provide a motive for this incident. Nancy Lee Crampton Brophy told us
26 any person that would provide a motive for this incident. Nancy Lee Crampton Brophy told us

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3 Daniel C. Brophy was well liked at the institute and with the students. Nancy Lee Crampton
4 Brophy told us she and her husband had decided to buy a handgun in February of this year
5 (2018) after hearing about the school shooting in Florida. Nancy Lee Crampton Brophy told us
6 she believed it was still at the house, but had not looked at it recently. Nancy Lee Crampton
7 Brophy said they had not used it as they were not really people that were familiar with guns.
8 Nancy Lee Crampton Brophy described the gun as a Glock handgun in 9mm caliber.

9

10 While Nancy Lee Crampton Brophy was at the Culinary Institute with us we asked if we
11 could drive her back home and check if the firearm was still at the house, as we were unsure if
12 Daniel C. Brophy may have had the gun with him at the Institute for protection, and it had been
13 used against him in some way. Nancy Lee Crampton Brophy agreed, and Detective Beniga and
14 Detective Broughton travelled with her back to her house to check the condition of the firearm.
15 Detective Posey and I observed the vehicle Nancy Lee Crampton Brophy was driving was a gray
16 colored Toyota Sienna mini-van with a roof rack and tinted windows. A set of pictures were
17 taken of the vehicle Nancy Lee Crampton Brophy was driving by Detective Beniga.

18

19 Detective Beniga later told me Nancy Lee Crampton Brophy gave the Glock 9mm
20 handgun to them for safekeeping. The gun was found in its box without ammunition along with
21 magazines and the slide zip-tied through the barrel.

22

23 During this investigation a canvas for video surveillance was conducted of the
24 surrounding businesses located by the Oregon Culinary Institute. This canvas is an investigative
25 technique designed to locate and identify potential suspects, suspect transportation, and avenues
26 of escape by the perpetrator. I saw that the Bellagio's Pizza restaurant located across the street

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3 from the Oregon Culinary Institute had a security surveillance system and had a camera that
4 covered SW Jefferson Street just west of the Culinary Institute.

5

6 While watching the video at the Bellagio's location, Detective Posey noticed and I
7 observed a dark colored minivan drive west bound on SW Jefferson Street from the area of the
8 Oregon Culinary Institute. The vehicle looked just like the mini-van driven by Nancy Lee
9 Crampton Brophy. The time the mini-van travels west from the area of the institute was 0728
10 hours (AM) as adjusted from the surveillance system that was synced to Eastern Standard Time.
11 The mini-van on the video appeared to be driven by a subject who had gray hair. As Detective
12 Beniga was at the house of Nancy Lee Crampton Brophy we asked him to take some pictures of
13 her vehicle in order to compare it with the video. Detective Beniga told me when he was taking
14 pictures of the mini-van; Nancy Lee Crampton Brophy spontaneously stated, "Why? I wasn't
15 there this morning, I was at home."

16

17 The information developed from the crime scene and the autopsy conducted the
18 following day determined the bullets involved in the shooting were 9mm in caliber and were
19 fired by a semi-auto type handgun. The casings found at the crime scene were stamped "sig 9mm
20 luger" with silver colored exteriors. Detective Posey was also able to find from the Oregon
21 Culinary Institute staff that Daniel Brophy had deactivated the alarm for the institute building at
22 approximately 0721 hours on June 2, 2018. From the information developed from the autopsy
23 and the initial observance by the Medical Examiner Daniel Brophy was shot in the back once and
24 shot in the chest once. Both bullet impacts were centrally oriented on his body and both bullets
25 traversed the heart. Daniel Brophy did not have any defensive type wounds on his body. I noted
26 no items or money appeared to have been taken from Daniel Brophy and no sign of a struggle or

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3 disturbance was present at the crime scene. Further, no items were found to be disturbed or
4 missing from the Oregon Culinary Institute.

5 During the initial investigation the cell phone belonging to Daniel Brophy the deceased
6 victim was located on his person during the incident. The phone was seized as evidence and its
7 information downloaded by Detectives in order to preserve the evidence. Detective Posey told
8 me he personally reviewed the information on the phone in an attempt to discover possible
9 motive and suspect information related to Daniel Brophy's murder. During the review Detective
10 Posey told me he found a website book mark for the title "10 ways to cover up a murder."
11 Detective Posey told me he later had contact with Nancy Brophy who confirmed she and Daniel
12 Brophy had a shared Apple I-Tunes account for their phones. Detective Posey told me from his
13 research into Apple's I-Tune family sharing plans, he knew that internet searches and bookmarks
14 are saved to the accounts search history and viewable from any phone attached to the account. I
15 know from talking to Nancy Lee Crampton Brophy she is a romance novelist and has several
16 books published. I also know from my investigation and interview with Nancy Lee Crampton
17 Brophy she is involved with medical insurance counseling and is familiar with life insurance
18 programs.

Detective Posey and I also took time to compare the surveillance video with the pictures of Nancy Lee Crampton Brophy's mini-van. As Detective Posey and I observed the photos, Detective Posey told me he noted an older scratch with indentation of the driver's side rear quarter panel between the top of the rear wheel well and the fuel door. The scratch/indentation was rusted and had been on the vehicle for some period of time. As Detective Posey was able to view the video with a better monitor, he could see the same deformation in the mini-van on the

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3 Bellagio's Pizza surveillance video. I could also see the driver's appearance was consistent to
4 Nancy Lee Crampton Brophy's appearance.

5

6 After further canvassing I noted we were able to find additional video that pictured the
7 same mini-van at the same time frames circling the area at 0708 hours. Located to the west of the
8 Culinary Institute is a MAX platform called the Goose Hollow Station and has a series of camera
9 systems. Detective Posey and I were able to secure the platform video for this station from 0630
10 hours to 0730 hours. Detective Posey and I later reviewed these videos and were able to locate a
11 van matching the description of the Toyota Sienna belonging to Nancy Lee Crampton Brophy
12 driving in towards the Oregon Culinary Institute at 0641 hours from the west. In one of the
13 videos we were able to identify a portion of the license plate on the gray colored Toyota Sienna
14 mini-van. The viewable digits are "67 B." I was not able to specifically identify the first digit and
15 the last two digits listed on the license plate, but I was able to narrow what is seen into a range of
16 possible digits. The first digit of the plate could be a "0," but it is not completely clear enough to
17 be sure in my estimation. The other digits of the plate observed are consistent with "Q" and "X,"
18 but could also possibly be a "D" and a "K." The license plate for the Toyota Sienna mini-van
19 belonging to Nancy Lee Crampton Brophy is assigned Oregon State License number "067
20 BQX." Detective Posey told me he knew from his own internet research that Toyota made the
21 same body and light configuration for the Sienna mini-van for 2004 and 2005 models, and that
22 the Toyota Sienna mini-van registered to Daniel Brophy match that model seen in the video
23 surveillance I viewed. An Oregon DMV search indicates about 21 vehicles licensed in the State
24 of Oregon to 2004 and 2005 Toyota Sienna vans could fit this partial license plate combination.

25

26 The other videos recovered and viewed were able to document a general area of travel for

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3 the mini-van. The van is seen arriving on SW Jefferson Street and SW 20th Avenue heading east
4 towards the Oregon Culinary Institute at 0641 hours. The vehicle is seen heading north on SW
5 18th Avenue. The van is later seen stopping in front of KGW Studios on SW Jefferson east of the
6 Oregon Culinary Institute. The vehicle waits a short period of time then drives west by another
7 camera located at 1734 SW Jefferson Street and continues west travelling by Bellagios
8 Restaurant at 0708 hours. Detective Posey told me the van is then seen traversing the roundabout
9 at SW Jefferson and SW 18th Avenue where it is encountered by a PGE video security camera
10 located at SW Columbia Street and SW 16th Avenue. Detective Posey told me on this camera the
11 mini-van turns left and drives north on SW 17th Avenue towards the Oregon Culinary Institute
12 one block away. The vehicle is not seen driving by the other cameras until 0728 hours as it
13 drives by Bellagios Restaurant again as it heads west towards Beaverton. The vehicle is also
14 observed again at the Goose Hollow Tri-Met Station continuing west on NW Jefferson Street and
15 out of view heading towards Beaverton Oregon. Based on the totality of this information I
16 believe Nancy Lee Crampton Brophy was circling the area in her dark colored mini-van prior to
17 Daniel C. Brophy's arrival at the Oregon Culinary Institute, and Nancy Lee Crampton Brophy
18 was watching for Daniel C. Brophy's arrival in order to effect his eventual murder.

19
20 It should be noted Detective Posey told me a court order/warrant was served on the
21 AT&T account for the cell phone number of Nancy Lee Crampton Brophy for the historical
22 location information for the phone. The return of the warrant information requested is still being
23 analyzed, but Detective Posey told me the initial indication shows the phone located in the area
24 of Nancy Lee Crampton Brophy's residence in Beaverton Oregon during the time of the incident
25 when Daniel Brophy was murdered. According to the initial analysis from the Detective Division
26 crime analyst, Nancy Lee Crampton Brophy's phone was not used but was on and connected to a

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3 nearby cell site.

4

5 During this investigation I spoke to Nathaniel Stillwater the son of Daniel Brophy on
6 June 27, 2018. During our conversation I learned Nancy Lee Crampton Brophy used to sell life
7 insurance. I also found Nathaniel Stillwater was unaware of the recent purchase of a handgun by
8 Nancy Lee Crampton Brophy. Nathaniel Stillwater told us he was surprised about the purchase
9 of the gun, and thought it was odd as he did not know they were considering such a purchase.
10 Nathaniel Stillwater told us he did not consider Nancy Lee Crampton Brophy or his father to be
11 the type of people to own a gun. Nathaniel Stillwater told us he is familiar with firearms and
12 owns several firearms for hunting and sporting activities. Nathaniel Stillwater told us his father
13 knew this about him, and he thought his father would have likely talked to him about such a
14 purchase.

15

Nancy Lee Crampton Brophy told me she purchased the firearm at a gun show in February 2018, and she had not used the gun or had any ammunition to load into the firearm. When she gave the firearm to Detective Beniga she also provided a copy of the purchase receipt. The receipt listed J&B Firearm Sales as the vendor who sold the firearm to Nancy Lee Crampton Brophy. I confirmed the serial number on the firearm matched that of the receipt. I went to J&B Firearms located at 10201SW Beaverton–Hillsdale Highway in Beaverton Oregon. Detective Posey and I spoke with the employees there and they informed us that when they sell firearms at the gun shows they do not sell ammunition. The employees showed us the type of zip ties they use for securing weapons at the gun shows. I noted the zip tie used was similar to the one found on the gun Nancy Lee Crampton Brophy had turned over for safe keeping. While at J&B Firearms I noted they had the same type of ammunition for sale that was found in the crime

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3 scene. I also noted that J&B Firearms Store is located less than a mile away from Nancy Lee
4 Crampton Brophy's home address.

5

On August 29, 2018 Detective Posey told me he submitted an affidavit for a warrant to test and analyze the Glock 17 firearm given to Detective Beniga and Detective Broughton for safe keeping by Nancy Lee Crampton Brophy. Multnomah County Circuit Court Judge Amy

9 Holmes Hehn issued a warrant to test and analyze the Glock 17 handgun with serial number
10 [REDACTED] Detective Posey told me he transferred this firearm along with the two casings and
11 bullets recovered from the crime scene to the Oregon State Criminal Laboratory on August 29,
12 2018. On September 4, 2018 Detective Posey told me he spoke to Leland Samuelson the forensic
13 scientist and firearm expert who conducted the analysis of the handgun, casings, and bullets.
14 Detective Posey told me Leland Samuelson told him the Glock 17 handgun with serial number
15 [REDACTED] was not the gun that fired the bullets that killed Daniel Brophy. Detective Posey told
16 me Leland Samuelson told him the gun used to shoot the ammunition components from the
17 crime scene was most likely a different Glock handgun of 9mm caliber. Leland Samuelson
18 confirmed the same gun was used to fire both bullets in the murder Daniel Brophy.

19

On September 5, 2018 Nancy Lee Crampton Brophy was arrested and Portland Police Detectives served a search warrant on the residence and vehicle of Nancy Lee Crampton Brophy at [REDACTED] Beaverton, Oregon. During the search a silver colored HP laptop computer with serial number [REDACTED] and a black and gray colored HP laptop computer with serial number [REDACTED] were located. Also during the service of this warrant we found Nancy Lee Crampton Brophy had been in the process of moving items out of the residence. Detective Posey and I were told by Nathaniel Stillwater (Son of Daniel Brophy) about a storage

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3 facility that Nancy Lee Crampton Brophy had been recently storing items in from her residence.
4 The storage facility was located at [REDACTED] Detective Posey
5 told me he applied for an additional addendum warrant to search this location, and received from
6 Multnomah County Circuit Court Judge Amy Holmes Hehn on September 7, 2018 a warrant to
7 search this storage facility space. During the search of this storage space number [REDACTED] we found
8 a 9mm Glock 19 type handgun from "GhostGuns.com." The handgun was a build kit that uses an
9 un-serialized frame so the gun does not have to be registered with governmental agencies. The
10 gun was not assembled at the time of discovery.

Detective Posey told me he contacted "GhostGuns.com" regarding purchase information they might have for Nancy Lee Crampton Brophy. On September 10, 2018 Detective Posey told me he received information from Kyle at "GhostGuns.com" regarding the purchase information he had for Nancy Lee Crampton Brophy. Detective Posey told me he received via email an invoice from December 24, 2017 for the purchase of an 80% build kit for a Glock 19, 9mm handgun. The receipt was listed for "Nancy Brophy" at [REDACTED] Beaverton, Oregon 97005. The card used to purchase the gun was with a Visa credit card with last four digits of [REDACTED] believed to be associated to Nancy Lee Crampton Brophy's On Point Credit Union checking account. Kyle also provided the US Postal shipping information and delivery information showing a delivery on January 2nd, 2018 and a customer request for a parcel hold at the post office in Beaverton, Oregon.

24 Detective Posey told me a separate warrant was petitioned and received to examine the
25 lap top computers seized. The lap-top computers were imaged / copied in order to view the
26 information. Detective Posey told me he began viewing the information and found in the search

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3 history typed information for a Glock 17 slide and barrels for sale. Through this search
4 information Detective Posey told me he found internet history indicating searches conducted for
5 Glock 17 Gen4 9mm slide and barrels for sale on EBay Incorporated. Detective Posey told me he
6 as he continued the analysis of the searched items I saw Nancy Lee Crampton Brophy has an
7 associated account with "PayPal" which is a payment system used by EBay customers to pay for
8 purchases through the EBay system.

9

I know that the gun Nancy Lee Crampton Brophy purchased at the gun show on February 17, 2017 is a Glock 17 Gen4 9mm handgun. I know from my review of information found during the search warrant service as well as articles written by Nancy Lee Crampton Brophy, she has spent time studying and reading about police procedures as well as tactics used to conceal criminal behavior. I know from my own training and experience with Glock handguns, they can be manipulated in such a way so the slide and barrel from one Glock 17 handgun frame can be interchanged with another handgun frame effectively changing the firearm. I know from my own research and understanding of Glock firearms including my conversations with firearm experts that changing the barrel and slide from one Glock frame to another Glock frame of similar model will transfer the unique imprinting on the casing and bullet. I also know that the barrel and slide though serialized by Glock are not registered and can be sold and purchased without making notification with the Alcohol, Tobacco, and Firearms Administration (ATF) or other governmental agencies.

23

24 On October 19, 2018 Detective Posey told me he received search warrants for EBay
25 Incorporated and PayPal Incorporated from Multnomah County Circuit Court Judge Amy
26 Holmes Hehn. Detective Posey told me he served the warrants via their email portals. On

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3 October 23, 2018 Detective Posey told me he received information from EBay Incorporated, and
4 on October 31, 2018 Detective Posey told me he received information from PayPal Incorporated
5 for Nancy Lee Crampton Brophy's payment and transaction history. Detective Posey told me he
6 conducted a review of the information on November 1, 2018 and found a transaction through
7 PayPal Incorporated for a purchase from Caroline Colt Company LLC. The transaction Detective
8 Posey told me he found was for \$364.99 dated on February 23, 2018, and coincided with Nancy
9 Lee Crampton Brophy's laptop computer search on EBay for a Glock 17 Gen 4 slide and barrel.
10 Detective Posey told me he checked the Caroline Colt Company LLC online and found their
11 contact information. Detective Posey told me he emailed the company and explained who he was
12 and asked if they retained information regarding transaction information for Nancy Lee
13 Crampton Brophy. On November 1, 2018 Detective Posey told me he was contacted by Patrick
14 Cowen of Caroline Colt Company LLC and he provided Detective Posey with the transaction
15 information he had for Nancy Lee Crampton Brophy. The transaction information provided by
16 Patrick Cowen showed an EBay purchase for a Glock Model 17 Gen 4 complete slide and barrel
17 9mm upper and included shipping information for February 26, 2018 to Nancy Brophy at [REDACTED]

18 Beaverton Oregon with United States Postal Service tracking number

19

20
21 During this investigation a review was conducted of the documents seized during the
22 search warrant of Nancy Lee Crampton Brophy's residence, and Detective Posey and I learned
23 through this that Nancy Lee Crampton Brophy used to sell life insurance policies for various
24 companies. Detective Posey told me he also found during this review approximately nine
25 different insurance policies where he believes Nancy Lee Crampton Brophy is the beneficiary.
26 The following is a list of the insurance company names found and the approximate face value of

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3 the policy: Foresters with \$40,000 benefit, Fidelity and Guaranty Life with \$100,000 benefit,
4 Lincoln National Life Insurance with \$100,000 benefit, Mutual of Omaha with \$250,000 benefit,
5 American-Amicable Life Insurance with \$200,000 benefit, Americo Insurance with \$100,000
6 benefit, SAIF Corporation with \$8,310.00 paid benefits, Life Map Insurance with \$2,500 benefit,
7 and Aviva Life and Annuity Company with an unknown face value. Detective Posey told me
8 from his review of Nancy Lee Crampton Brophy's laptop computer as well as her life insurance
9 information he found she potentially has financial accounts with the following institutions; On-
10 Point Community Credit Union, Bank of America, and Wells Fargo Bank. Detective Posey told
11 me he knows from his review of the PayPal information as well as additional documents that
12 Nancy Lee Crampton Brophy has an On Point Community Credit Union account. Detective
13 Posey told me he also found a Bank of America account login via email transactions on Nancy
14 Lee Crampton Brophy's lap top computer dated on June 12, 2018. From this information I
15 believe Nancy Lee Crampton Brophy has some type of financial account with Bank of America.
16 Detective Posey told me he knows through the review of documents that Nancy Lee Crampton
17 Brophy has access to a Wells Fargo account set up for her deceased brother's (Mark Crampton)
18 estate, as Nancy Lee Crampton Brophy was the executor. Detective Posey told me he is also
19 aware of other Visa and MasterCard credit and debit accounts that have yet to be determined
20 financial institution connections.

22 I know from my training and experience that deposits of insurance funds as well as
23 payments or premiums paid for coverage of the insurance policies is often done directly by the
24 bank through an electronic transfer of funds. As many of these files are reported through
25 electronic statements it is unlikely there is a printed copy of these transactions. The information
26 from the bank records and transaction history is needed to establish how the insurance policies

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3 were paid for as well as what accounts were used to pay for the insurance premiums. Due to the
4 numerous and varied life and accident insurance policies acquired for Nancy Lee Crampton
5 Brophy's benefit, it is important to determine how the policies were paid for, and if the insurance
6 policies were obtained secretly without Daniel Brophy's knowledge. The financial institutions of
7 On Point Community Credit Union, Wells Fargo Bank, and Bank of America are needed to
8 understand the nature of the accounts and the relation they play in regards to the life and accident
9 insurance policies acquired by Nancy Lee Crampton Brophy.

10
11 That I therefore ask the above-entitled court issue a search warrant for the release of all
12 bank account records held by On Point Community Credit Union, Bank of America, and Wells
13 Fargo Bank regardless if in individual, trustee/fiduciary, trustee or active beneficiary, or joint
14 capacity with another entity, and also accounts where she has signer authority (but not an actual
15 owner), including all loans, credit accounts, debit accounts, checking accounts, savings accounts,
16 and all lines-of-credit associated or otherwise connected to said accounts, in the name of Nancy
17 Lee Crampton Brophy, an adult white female, with date of birth [REDACTED] and social security
18 [REDACTED] and in the name of Daniel Craig Brophy, an adult white male, with date of birth of
19 [REDACTED] and social security # [REDACTED]

21 I request the records be provided for the time period of June 2, 2016 to Present. This
22 request includes monthly account statements, deposit records with offsets, ATM deposits with
23 offsets, withdrawal records, account transfer records, banker's notes and signature cards for any
24 and all accounts held individually or jointly, open or closed for the accounts described above.

26 I know from training and experience that premature disclosure of the contents of this

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3 affidavit would jeopardize the investigation because it could release information known only to
4 law enforcement investigators. This could allow information to be released that could otherwise
5 be used to check the accuracy of information by witnesses and suspects related to this case.
6 Based on the foregoing, I request the affidavit be sealed until further ordered by the court,
7 excepting that it may be provided to the defense team in this case subject to the terms of any
8 protective order currently governing discovery in the case.

9
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11

12 I further request and petition, pursuant to ORS 192.596(6) that the requirements of ORS
13 192.596(2), (4), and (5) for service of a copy of the search warrant to the bank customer be
14 waived on the ground that there is reasonable cause to believe the customer has committed the
15 crime of theft and such notification could impede further investigation of the suspect;

16
17
18

Anthony J. Merill #35227
Offiant

19 SUBSCRIBED AND SWORN TO before me this 7th day of December, 2018.

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21
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26

Karen J. Somergull
Judge